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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.4952 of 2000

Om Prkash Bali of Mumbai,)
Indian Inhabitant, presently)
posted as Additional Director)
General of Police (Easablishment))
in the office of the Director General)
of Police, Maharashtra State Mumbai.)..PETITIONER

Vs.

1.State of Maharashtra, through the)
Additional Chief Secretary, Home)
Department, Mantralaya, Mumbai-32)
2.Director General of Police, Old)
Council Hall, Shahid Bhagat Singh)
Marg, Colaba, Mumbai.)
3.Sitaram Kondiba Nyaynirgune)
presently posted as Principal RPTS,)
Marol, Mumbai and presently residing)
at Govt. Colony, Building No.17/9-A)
4th Floor, Haji Ali, Mumbai-400 034.)..RESPONDENTS

Mr. K.K. Malpathak, for the petitioner.
Mr. V.Aa. Sonpal, AGP for the respondent Nos. 1 and 2.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.

DATED : 20th June, 2007

ORAL JUDGMENT: (PER F.I. REBELLO, J.)

. The petitioner at the relevant time was holding the post of Additional General of Police (Establishment) when the petition was filed and has since retired. The petitioner approached this Court aggrieved by certain observations in the order of the M.A.T. in Original Application No.235 of 1998 and Original Application No.569 of 1998. The petitioner at the relevant time was the Reviewing Officer. The learned Tribunal while allowing the Original Application recorded a finding of fact as under:-

> "But when I called for the original file and when I have found the original file I found that subsequently the original confidential reports are

fabricated by adding a note attached to the said remarks. The words "Note attached" are in different ink written with different ball pen. The note is there but the note does not bear any date. The note is typed note and it is not known when this has come when I asked for the original confidential report the file containing the xerox copy of the original confidential report as produced before me. In the xerox copy these words "Note attached" were not in existence. The words "Note attached" were written by ball pen, subsequently. If these xerox copy of the file along with original file is seen it will really shocks one's conscience because in the original file there is remark of Commissioner of Police Shri Satish Sahney of 4-8-1995 saying that, "I agree with the reviewing officer....."

It is the contention of the petitioner that this creates an impression that it is the petitioner who has fabricated the confidential reports and as such before passing such remarks he had to be given an opportunity.

2. We do not propose to go into the controversy. Suffice it to say that it is not possible to read that the observations that the documents were fabricated as associated with the petitioner.

. With this clarification petition is disposed of.

Rule made absolute accordingly. No order as to costs.

(**F.I.REBELLO**, J)

(**R.M. SAVANT,J)**